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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,826	03/08/2001	Alex Nadezhdin	AML/11665.33	3651

25545 7590 10/23/2002

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CANADA

EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT	PAPER NUMBER
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1772

8

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,826

Applicant(s)

NADEZHDA ET AL.

Examiner

Alicia Chevalier

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) 7-9, 12-22 and 38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I and species A and C in Paper No. 7 is acknowledged.

Claim Objections

2. Claim 1 is objected to because of the following informalities: the word "that" has been left out of the phrase "voids having boundaries (that) are essentially orthogonal". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 5, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winter, IV (5,224,315) in view of Spively (6,173,540).

Winter discloses a prefabricated building panel comprising an inner skin layer, a multi-layered core, and an outer skin layer (figure 1). The inner and outer skin layers may comprise oriented strand board (col. 6, lines 24-31). The middle layer of the multi-layers core comprises a paper honeycomb (perforated mat) (col. 8, lines 17-21), which has voids having boundaries that

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are essentially orthogonal to the skin layers. Selection of the relative voids by volume in the broad ranges claimed is taken as being within the ordinary skill of the art absent unexpected results.

The prefabricated building panel is used for wall, roof, and floor paneling (col. 1, lines 16-17).

Winter fails to disclose the composition of the oriented strand board.

Spivey discloses an oriented strand board used for a stair tread panel comprising a cut wood strips mixed in a phenolic resin (col. 2, lines 45-59).

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the oriented strand board of Spivey as the oriented strand board of Winter. One of ordinary skill would have been motivated to do so in order to give Winter's paneling a wood appearance.

5. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winter, IV (5,224,315) in view of Spively (6,173,540) as applied to claims 1, 4, 5, and 37 above, and further in view of Medawar (3,815,215).

The combination of Winter and Spively disclose all the limitation of the instant claimed invention except for the core comprising an inorganic filler.

Medawar discloses a honeycomb structural panel for walls, etc. The structural panel comprises two skin layers sandwiched around a honeycomb core (figure 1). The honeycomb layer is filled with a filler material comprising a mixture of an epoxy resin and calcium carbonate (col. 4, lines 14-19) to prevent lateral distortion and column failure (col. 2, lines 22-23).

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Selection of the relative weight percent of inorganic filler in the broad ranges claimed is taken as being within the ordinary skill of the art absent unexpected results

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the filler material of Medawar to the honeycomb layer of Winter. One of ordinary skill would have been motivated to add the filler material to Winter in order to help prevent lateral distortion and/or column failure.

6. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winter, IV (5,224,315) in view of Spively (6,173,540) as applied to claims 1, 4, 5, and 37 above, and further in view of Haywood (3,895,997).

The combination of Winter and Spively disclose all the limitation of the instant claimed invention except for the core made of paper mill sludge.

Haywood discloses recycling paper mill sludge (paper waste) to be useful in different types of paneling boards, see whole document.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use paper mill sludge as taught by Haywood to make the paper honeycomb core of Winter. One of ordinary skill would be motivated to use the paper mill sludge as the paper material of Winter's honeycomb because using recycled material would be cheaper.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (703) 305-1139.

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The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays


If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Harold Pyon can be reached by dialing (703) 308-4251. The fax phone number for the organization official non-final papers is (703) 872-9310. The fax number for after final papers is (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (703) 308-0661.

ac

10/18/02




HAROLD PYON
SUPERVISORY PATENT EXAMINER
10/19/02